



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/519,918 | 01/03/2005 | Gavriel J. Iddan | P-4877-US | 2690 |

49443 7590 10/20/2006

PEARL COHEN ZEDEK, LLP
PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK, NY 10036

| |
|----------|
| EXAMINER |
|----------|

FOREMAN, JONATHAN M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3736

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,918

Applicant(s)

IDDAN ET AL.

Examiner

Jonathan ML Foreman

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12, 20-28, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12, 20-28, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/3/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 1/3/05 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, and the information referred to therein has been considered by the examiner as to the merits.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 4, 8 - 10, 12, 27, 28, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2001/0051766 to Gazdzinski.

In regards to claims 1 – 4, 8 - 10, 12, 27, 28, 30 and 31, Gazdzinski discloses an in-vivo device including a semi-rigid shell defining an interior portion [0379]; and a pressure sensor (2906) connected to the shell and disposed within the interior portion. The sensor is integral and attached to the shell [0379]. The sensor is ring shaped (Figure 29). The device includes a power source [0167] and a transmitter. Gazdzinski discloses a receiving unit to receive pressure data from the in-vivo device and a controller to analyze the pressure data [0380]. The controller determines the location of the in-vivo device.

3. Claims 1 – 4, 6, 7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2002/0162399 to Esashi et al.

In regards to claims 1 – 4, 6 – 8, 10 and 12, Esashi et al. discloses an in-vivo device [0068] including a semi-rigid shell (25) defining an interior portion; and a pressure sensor (11, 23) connected to the shell and disposed within the interior portion. The sensor is integral and attached to the shell. The shell (25) includes a portion which deforms in response to pressure [0032]. The sensor is ring shaped (Figure 2). The device includes a transmitter (1).

4. Claims 1 – 3, 6 – 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2003/0065250 to Chiel et al.

In regards to claims 1 – 3, 6 – 8 and 10, Chiel et al. discloses an in-vivo device including a semi-rigid shell defining an interior portion [0050]; and a pressure sensor connected to the shell and disposed within the interior portion [0050]. The sensor is integral and attached to the shell [0050]. The shell includes a portion which deforms in response to pressure [0044]. The shell includes a stress-responsive element [0044]. The device includes a power source and a transmitter [0050].

5. Claims 20 – 27, 28, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2003/0191430 to D'Andrea et al.

In regards to claims 20 – 27, 28, 30 and 31, D'Andrea et al. discloses an in-vivo device including a pressure sensor (29); and a sensing device for sensing in-vivo data other than pressure [0044]. The device includes a shell and the pressure sensor is integral with the shell [0044]. D'Andrea et al. discloses a power source (38). D'Andrea et al. disclose the sensing device including an imager [0044]. The device includes a transmitter [0043] and an illumination unit [0044]. D'Andrea et al. discloses a receiving unit to receive pressure data and a controller to analyze the pressure data. The controller determines the location of the in-vivo device [0050][0051].

Art Unit: 3736

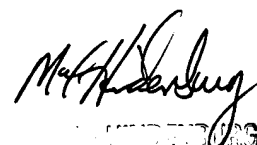
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan ML Foreman whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JMLF


MAX HINDENBURG
SUPERVISOR
ART UNIT 3736
JAN 11 2011